IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2823 OF 2005

Sunil Ramchandra Meena ...Petitioner
vs.
State of Maharashtra & Ors. ...Respondents

Mr.D.V.Gangal for the petitioner
Mr.R.M.Sawant for the respondents

CORAM:H.L.GOKHALE & A.S.OKA,JJ.
DATE : FEBRUARY 6,2006

P.C.:

1. Heard Mr.Gangal in support of this petition and Mr.Sawant, A.G.P. for Respondent Nos.1 and 2. The Petitioner is a student of third Respondent-Engineering college. An Affidavit serving the Petition on Respondent No.3 is also filed.

2. The grievance of the Petitioner is that he was required to get his caste claim examined by Respondent No.2-Scrutiny Committee. He made an application to Respondent No.3-College and the college forwarded it to the Respondent No.2-Committee. But it is seen from the Petition that the application was rejected by the Respondent No.2-Committee as the same was not received within time. In view of this position, the Petitioner was being threatened for discontinuation of his education and therefore, this Petition was filed.

3. When the matter came up before the Division Bench of this Court on 2nd December 2005 to which one of us (A.S.Oka,J.) was a member, granted ad-interin relief in terms of prayer clause (c) of this Petition, whereby the education of the Petitioner

was not discontinued and the order passed by the college dated 21st November 2005 was directed not to be operated. The Petitioner is continuing his education thereafter.

4. Mr.Sawant,G.P. for Respondent Nos.1 and 2 has fairly stated that the application ought to have been scrutinised. He submitted that further appropriate directions be given to the Committee and the Committee will scrutinize the caste claim of the Petitioner. In the circumstances, we record the statement of Mr.Gangal, learned Counsel for the Petitioner that along with copy of the Court's order he will file another application to the Respondent No.3-college.

5. We direct the Respondent No.3 to forward the application of the Petitioner to the Respondent No.2-Committee within a period of one week from receiving thereof and the Respondent No.2-Committee will decide the same on merits at the earliest and preferably within a period of four months from receiving it. We make it clear that in the meanwhile the Petitioner will continue to study in the Respondent No.3-college and will appear for the examination and his results will be declared. In the event, the decision of the Scrutiny Committee goes against the Petitioner and the Respondent No.3-college wants to discontinue the education of the Petitioner by issuing another order, that order will not be brought into force for a period of four weeks of that order. Petition stands disposed of.

(H.L.GOKHALE,J.)

(ABHAY S.OKA,J.)